

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ASHLEY LEONARD,)	
)	Case No.: 2:16-CV-01130-CB
Plaintiff,)	
)	JOINT MOTION FOR AN ORDER
v.)	AUTHORIZING AND DIRECTING
)	METROPCS TO PRODUCE CELLULAR
ABC FINANCIAL SERVICES, INC.,)	TELEPHONE RECORDS AND
)	EXTENDING THE DISCOVERY END
Defendant.)	DATE
)	
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Plaintiff Ashley Leonard (“Plaintiff”) and Defendant ABC Financial Services, Inc. (“Defendant”) (collectively, the “Parties”), by and through their undersigned counsel, respectfully move this Honorable Court to issue an order authorizing and directing MetroPCS to produce cellular telephone records for the telephone number 412-482-4928 for the period June 1, 2015, through August 31, 2016, in response to Defendant’s subpoena served on MetroPCS on January 30, 2017, see Def.’s Subpoena to MetroPCS (Jan. 30, 2017) (the “Subpoena”), attached hereto as Exhibit A, and extend the discovery end date until fifteen days after both Parties receive the subpoenaed materials to allow time for the Parties to review those records.

These subpoenaed records directly pertain to the claims and defenses in this litigation. Plaintiff brings this action under the Telephone Consumer Protection Act, 47 U.S.C. §227 *et seq.* (“TCPA”) and seeks per call damages for telephone calls Defendant allegedly made to Plaintiff’s cellular telephone with number 412-482-4928. Plaintiff and Defendant dispute the number of calls made and whether conversations between Plaintiff and Defendant occurred. Citing 18 Pa. C.S.A. § 5742, MetroPCS refused to respond to Plaintiff’s subpoena unless this Court ordered it to do so. See Letter from MetroPCS to Def.’s Counsel 1 (Feb. 15, 2017) (responding to Subpoena), attached hereto as Exhibit B. Given MetroPCS’s position and because the records subpoenaed directly

pertain to material issues in this case, the Parties need an order from this Court authorizing and directing MetroPCS to release the records. Further, the discovery extension will allow the Parties sufficient time to receive and review the telephone records. The Parties expect MetroPCS can provide these documents soon after receiving this Court's order directing it to do so. Once the Parties have these documents, the Parties do not anticipate needing further discovery. Accordingly, the Court need not reschedule the post-discovery conference set for March 15, 2017 (ECF No. 25). This is the second request for an extension in this case. A hearing is not requested.

Therefore, the Parties jointly and respectfully request that this Honorable Court grant this Motion and issue an order authorizing and directing MetroPCS to release the phone records subpoenaed by Defendant on January 30, 2017 and to extend the discovery end date until fifteen days after both Parties receive the subpoenaed materials.

RESPECTFULLY SUBMITTED,

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DATED: February 28, 2017

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